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Action by the Middle Atlantic Immigration Company against John J. Ardan. Judgment for defendant, and plaintiff brings error. Reversed and remanded.

Gregory & Boulware, and *Meredith & Cocke*, all of Richmond, for plaintiff in error.

A. B. Percy, of Lynchburg, and *Wm. Justis, Jr.*, for defendant in error.

SOUTHERN RY. CO. *v.* RICE'S ADM'X.

June 12, 1913.

[78 S. E. 592.]

1. Negligence (§ 76*)—Contributory Negligence—Violation of Ordinance.—As a general rule a person negligently injured cannot recover if he was at the time of the injury doing some act in violation of a statute or ordinance which contributed to his injury.

[Ed. Note.—For other cases, see Negligence, Cent. Dig. §§ 104-107; Dec. Dig. § 76.* 10 Va.-W. Va. Enc. Dig. 384.]

2. Negligence (§ 119*)—Contributory Negligence—Pleading—Proof.—Contributory negligence may be shown under a plea of not guilty.

[Ed. Note.—For other cases, see Negligence, Cent. Dig. §§ 200-216; Dec. Dig. § 119.* 10 Va.-W. Va. Enc. Dig. 452.]

3. Death (§ 57*)—Contributory Negligence—Pleading—Proof.—Under an allegation of the plea in an action for intestate's negligent death that intestate "was guilty of contributory negligence," defendant could introduce any evidence showing that intestate was per se guilty of contributory negligence or circumstances tending to show contributory negligence.

[Ed. Note.—For other cases, see Death, Cent. Dig. § 74; Dec. Dig. § 57.* 4 Va.-W. Va. Enc. Dig. 258; 14 Va.-W. Va. Enc. Dig. 306; 15 Va.-W. Va. Enc. Dig. 255.]

4. Trial (§ 260*)—Refusal of Instructions.—The refusal to instruct that, while the jury were the judges of the facts, the court was the judge of the law and it was the jury's duty to accept and act upon the law as stated in the instructions, the jury applying the facts as they might determine them thereto, was not error, where the court instructed that it was the judge of the law as applied to the case, and the jury were the judges of the facts and the weight of the testimony.

[Ed. Note.—For other cases, see Trial, Cent. Dig. §§ 651-659; Dec. Dig. § 260.* 1 Va.-W. Va. Enc. Dig. 600; 14 Va.-W. Va. Enc. Dig. 96; 15 Va.-W. Va. Enc. Dig. 70.]

5. Master and Servant (§ 274*)—Injuries—Admission of Evidence.—As a rule it is not permissible, in an action for a railroad employee's

*For other cases see same topic and section NUMBER in Dec. Dig. & Am. Dig. Key No. Series & Rep'r Indexes.

death; to show that deceased had the reputation among his fellow employees as a fast runner and had previous to the fatal accident disregarded speed ordinances, etc.

[Ed. Note.—For other cases, see Master and Servant, Cent. Dig. §§ 939-949; Dec. Dig. § 274.* 9 Va.-W. Va. Enc. Dig. 724; 14 Va.-W. Va. Enc. Dig. 698; 15 Va.-W. Va. Enc. Dig. 659.]

6. Master and Servant (§ 274*)—Injuries—Admission of Evidence.—In an action for a railroad employee's death by derailment of his engine, evidence that decedent had the reputation of running fast and had exceeded the speed ordinances before the accident was not admissible, where the uncontradicted evidence showed that he was running his engine at 12 to 15 miles an hour instead of the maximum of 4 miles an hour permitted by the ordinances.

[Ed. Note.—For other cases, see Master and Servant, Cent. Dig. §§ 939-949; Dec. Dig. § 274.* 9 Va.-W. Va. Enc. Dig. 724; 14 Va.-W. Va. Enc. Dig. 698; 15 Va.-W. Va. Enc. Dig. 659.]

Error to Law and Equity Court of City of Richmond.

Action by Rice's Administratrix against the Southern Railway Company. From a judgment for plaintiff, defendant brings error. Reversed.

Munford, Hunton, Williams & Anderson, of Richmond, for plaintiff in error.

HUMSDON CARY, and WM. CRUMP TUCKER, of Richmond, for defendant in error.

CAMDEN v. VIRGINIA SAFE DEPOSIT & TRUST CORPORATION.

June 12, 1913.

[78 S. E. 596.]

1. Banks and Banking (§ 317*)—Trust Companies—Distribution of Assets—Bill by Directors and Stockholders—Jurisdiction.—Where a safe deposit and trust corporation had large assets and liabilities, and not only conducted a bank with branches throughout the state, but acted as a bonding company, as executor and trustee, and had received a conveyance by its president, for the benefit of depositors and creditors, of real and personal property valued at \$200,000, and it appearing to its directors that it was doubtful whether it could be successfully continued after its president had been incapacitated by illness, they were authorized to file a bill for the administration of the corporation's assets in equity, so as to protect the interests of all concerned.

[Ed. Note.—For other cases, see Banks and Banking, Cent. Dig.

*For other cases see same topic and section NUMBER in Dec. Dig. & Am. Dig. Key No. Series & Rep'r Indexes.